REMARKS

In an Office Action dated May 9, 2006, the Examiner rejected claims 1 and 13 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication 2004/0176072 (Gellens); rejected claims 2-3 and 14-15 under 35 U.S.C. 103(a) as being unpatentable over Gellens in view of U.S. Patent 6,975,876 (Cast); rejected claims 4-5 and 16-17 under 35 U.S.C. 103(a) as being unpatentable over Gellens in view of U.S. Patent Publication 2002/0168978 (Molnar); rejected claims 6, 8, and 18 under 35 U.S.C. 103(a) as being unpatentable over Gellens in view of U.S. Patent 6,819,932 (Allison); rejected claims 7, 9-12 and 19-20 under 35 U.S.C. 103(a) as being unpatentable over Gellens in view of U.S. Patent Document 2005/0020289 (Kim).

Concerning claims 1 and 13, the only independent claims of the application. With respect to the first clause of claim 1 the Examiner stated that:

> Gellens teaches "responsive to a receipt of an SMS or MMS call, determining whether a calling party of the call may attempt to complete the call" (see paragraph 37 and 38).

Applicant respectfully submits that paragraphs 37 and 38 relate to screening for the called party. Really, this is the subject matter of the second clause:

> responsive to determining that a caller of said call may attempt to complete said call, determining whether a called party of said call is willing to accept calls from said calling party.

For the Examiner's convenience paragraphs 37 and 38 are presented herein.

> [0037] Referring to FIG. 3, a diagram illustrating the filtering and delivery of e-mail messages which are addressed to a particular recipient in accordance with one embodiment is shown. As depicted in this figure, e-mail messages that are addressed to a user associated with mobile station 24 are initially delivered to an e-mail server 26. E-mail server 26 is typically centralized within a carrier's network and serves multiple base stations. In this embodiment, messages are delivered by server 26 through base station 22 to mobile station 24. E-mail server 26 is configured to apply a set of filtering rules to the received e-mail messages and to handle these messages in accordance with the filtering rules. [Emphasis added].

> [0038] In one embodiment, e-mail server 26 performs triage on the received e-mail messages. That is, the filtering process results in one of three actions by e-mail server 26. First, the message may be forwarded immediately, in its entirety, to an e-mail client 28 within mobile station 24. Second, summary or preview information corresponding to the message may be forwarded to e-mail client 28.

Finally, the message may simply be deleted by e-mail server 26 without ever having delivered the message to e-mail client 28. For the purposes of this disclosure, messages that are immediately forwarded to e-mail client 28 are referred to as "wanted" messages. Messages for which summary information is transmitted to e-mail client 28 are referred to herein as "preview" messages. Messages that are deleted by e-mail server 26 without further inquiry are referred to herein as "unwanted" messages.

Note that FIG. 3, which was the basis of the subject matter of paragraphs 37 and 38, only relates to messages received in the server serving <u>terminating</u> base station 22 which in turn serves mobile station 24. Thus, paragraphs 37 and 38 relate to the subject matter of the second clause of claim 1, but <u>completely overlook the subject matter of the first clause</u>, i.e., screening for the <u>calling</u> party. This is the subject matter of Applicant's FIG. 2 which is discussed on page 9, line 14 - page 10, line 4. These passages are submitted herein for the convenience of the Examiner.

FIG. 2 illustrates the process of screening short message service (SMS) messages or multimedia message service (MMS) messages prior to transmitting them to one or more recipients. An SMS/MMS message is received at a short message service center/multimedia message service center (SMSC/MMSC) (action block 201). A database for the <u>caller</u> is consulted to determine whether this type of message can be transmitted in terms of the allowable services of the originator (action block 203). The database is integrated in SMSC/MMSC, or, especially for SMS/MMS messages originated by land-line stations, e.g., via a web site of the Internet, from a database associated with the caller. <u>The data of the caller is checked for geographic allowability of the called parties</u>, i.e., whether the called party is within a geographic district defined by the class of service of the caller (action block 205). The geographic district can usually be identified by the called telephone number. IP addresses can also be allowed or denied by the class of service of the caller. [Emphasis added]

<u>Test 209 determines whether calls may be sent to a roamer</u> and, if not, checks whether any of the called parties are roamers. Test 211 checks for the limit of distribution, i.e., the number of addressees. Test 213 checks whether any of the addressees are not allowed telephone numbers or IP addresses; calls to such numbers or IP addresses are blocked. Test 215 checks for the type of service restriction, e.g., whether the calls can go to Internet terminals or can only go to wireless terminals. If any of these tests fail then the call is not completed to the parties for which the test fails and a reject message is sent to the caller (action block 221). [Emphasis added]

Accordingly, Applicant respectfully submits that Gellens, paragraphs 37 and 38 do <u>not</u> anticipate the subject matter of the first clause of claim 1.

The Examiner uses the subject matter of paragraphs 45 and 46 as anticipating the third clause of claim 1:

> determining whether said called party has allowed calls having characteristics of said call to be completed to said called party;

Similarly, the Examiner cites paragraph 45 as anticipating the clause "determining whether the called party has screened calls from the calling party".

For the convenience of the Examiner, Applicant is including a copy of paragraphs 45 and 46:

> [0045] When the summary information for the message is received by e-mail client 28 (block 111), it can be stored in much the same way a message that is delivered in its entirety is stored. When a user has an opportunity to review any received messages and/or summary information ("previews"), the summary information can be presented in the same manner as an ordinary received message. (In alternative embodiments, the summary information may be handled in a different manner than ordinary messages.) E-mail client 28 is configured, however, to not only present the summary information to the user, but also to prompt the user for feedback relating to the summary information (block 112). In other words, the user is allowed to review the summary information and then provide instructions as to the handling of the full message corresponding to the summary information.

> [0046] In this embodiment, the user has four options for responding to the summary information for the preview message. Two of the options involve reading the message and two of the options involve deleting the message. Upon reading the summary information, the user decides whether he wishes to view the entire message (block 113). If he indicates that the message should be delivered, he must choose whether the message should be delivered without any affect on other messages, or whether other, similar messages should also be delivered (i.e., classified as wanted messages) (block 114). If only the previewed message is to be delivered, this feedback is delivered to the server (block 117). If similar messages are to be delivered, the user also provides an indication of the basis for determining which of the future messages are "similar" (block 116). For example, the user may indicate that all messages that are received from a particular sender, or including a particular subject should be classified as wanted messages and delivered without any further user feedback. This feedback is then transmitted to the server (block 117).

Applicant respectfully disagrees with the Examiner's analysis. Paragraphs 45 and 46 relate to a third option which is the heart of the Gellens disclosure, namely, the option of sending "preview" data to a called party to determine whether the called party wishes to receive a message. This is not part of the teachings of Applicant's invention which

relate only to either sending a message to the called party or blocking the message from reaching the called party, the decision being determined automatically.

In summary, Applicant's invention relates to automatic rejection of messages at the SMSC or MMSC serving the calling party and automatic rejection of messages at the SMSC or MMSC serving the called party. The entire thrust of the Gellens disclosure is on received messages, i.e., messages received by a server associated with the called party. Gellens' particular contribution is the division of received messages, not only into two parts (accept and reject), but into three parts (accept, preview, and reject) where preview allows a portion of a message to be sent to a destination in order to inquire whether the destination terminal wishes to accept the message.

In contrast, in accordance with Applicant's claimed invention, there is a process of screening SMS and MMS messages prior to transmitting them to one or more recipients, i.e., screening with respect to calling party characteristics. As stated on page 9, lines 18-20:

> A database for the caller is consulted to determine whether this type of message
> can be transmitted in terms of the allowable services of the originator....
> [Emphasis added]

Subsequently, called party screening is performed. This process is described on page 10, lines 5-20, reproduced herein for the Examiner's benefit:

> Before the call is completed, called party screening is performed (FIG. 3).
> The SMSC/MMSC screening system consults the appropriate database for called
> party screening data for the called party (action block 301). Test 303 determines
> whether the caller is allowed to call the called party or whether the caller is
> effectively on a blacklist of the called party. Test 305 checks whether the
> keyword, subject, title, or URL of the web page, of messages to the called party is
> screened and if so whether the calling party's identification and text passes this
> screening. Test 307 determines whether the call passes a call type screening.
> Test 309 determines whether the call passes call classification screening. Test
> 311 determines whether the call passes merchant identification screening to
> screen out merchants known to send SPAM. Test 313 tests whether the call
> passes language restrictions screening to make sure that only calls with text in the
> appropriate language(s) are passed. Test 315 determines whether the call passes
> mass distribution screening, i.e., whether the number of recipients is below a
> threshold specified by the called party. If any of these tests fail, the call is
> rejected and the caller is notified (action block 320).

By separating the screening based on the originating party from the screening based on the terminating party, a more efficient process can be implemented. Further, if the originating party and terminating party are served by different SMSCs or MMSCs, the originating screening can be implemented in one service center and the terminating can be implemented in the other service center.

Accordingly, Applicant respectfully submits that the subject matter of Gellens does not teach the claimed subject matter of Applicant's claim 1 and therefore claim 1 should be held allowable over the prior art.

The subject matter of claim 13 is very similar to that of claim 1. Claim 13 is an apparatus claim reciting the same subject matter as claim 1. Therefore, for the same reasons, claim 13 should be held allowable over the teachings of the cited prior art.

Claims 2-12 and 14-20 should then be held allowable as being dependent from an allowable independent claim.

Accordingly, Applicant respectfully requests that the Examiner reconsider the grounds for the rejection of claims 1 and 13, allow these claims, and allow claims 2-12 and 14-20, dependent therefrom, and pass the application to issue.

If the Examiner feels that a voice or fax contact would help to advance the prosecution of this application, he is invited to contact Applicant's attorney at telephone number 630 469-3575.

Respectfully submitted

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